

Ethics Briefing
for
Special Government Employees
Serving on
NASA Advisory Committees

Service on NASA Advisory Committees

- Appointment as Special Government Employee (SGE)
- Defined at 18 U.S.C. 202(a)
 - Anyone who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, for a period not to exceed 130 days out of any 365 days
 - Includes advisory committees

SGE Ethics Rules

- Ethics Principles:
 - Public service is a public trust
 - May not have conflicting financial interests
 - May not improperly use nonpublic information
 - Avoid even the appearance of impropriety
- Status as SGE
 - Equivalent to being an insider
 - Subject to civil service ethics rules
 - Subject to post-employment restrictions

Representational Conflicts

18 U.S.C 203 & 205

- Prohibits representational activities before the Government
- Applies to SGEs only if:
 - Matter involves parties (e.g., contracts)
 - SGE was personally and substantially involved in the particular matter as part of Government service, or
 - SGE served more than 60 days in the previous 365, and matter is pending before the same agency

Financial Conflicts

18 U.S.C. 208

- Prohibits involvement in a particular matter in which the SGE, employer, or spouse or dependent child has a financial interest:
 - An employee is disqualified
 - from participating personally and substantially
 - in any particular matter in which
 - the employee, or anyone whose interests are imputed to the employee, has a financial interest,
 - if the particular matter will have a direct and predictable effect on that interest.

Post-Employment Restrictions

18 U.S.C. 207

- Permanently prohibits a former employee
- from making, with intent to influence, any communication to the United States,
- on behalf of any other person
- in connection with a particular matter in which the United States is a party or has a substantial interest,
- if the employee was personally and substantially involved in the matter.

Standards of Conduct

- Gift Rules
 - Anything having monetary value
 - Prohibited Sources
 - Official Position
- Exceptions
 - Outside business activities
 - Personal relationships
 - \$20/\$50 rule

NASA Ethics Officials

- Michael C. Wholley, General Counsel
 - Designated Agency Ethics Official (DAEO)
- R. Andrew Falcon
 - Alternate Designated Agency Ethics Official
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